PATENT
Application Serial No. 09/717,838
Attorney Ref. No. 2410

## REMARKS

Claims 4-16 and 18 are currently pending in this application. In the Office Action mailed October 22, 2002 (the "Office Action"), claims 1-3 and 17 were rejected, claims 4-10 were deemed allowable but objected to as being dependent upon a rejected base claim, and claims 11-16 and 18 were deemed allowable. In response to the Office Action, claims 1-3 have been canceled from prosecution (without prejudice) and claims 4-10 have been amended commensurate with the Examiner's objection and statement of reasons for the indication of allowance in Paragraph 8 of the Office Action. No new matter has been entered. Applicants respectfully request favorable consideration of the present application in light of the amendments to the claims.

In the event that there are any questions concerning the remarks above or the application in general, the Examiner is cordially invited to telephone the undersigned attorney so that prosecution may be expedited.

Respectfully submitted,

NUVASIVE, INC.

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